

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

GLEN K. ALLEN,

*

Plaintiff,

*

v.

*

Civil Action No. 1:04-cv-3985

JOHN de NUGENT, et al.

*

Defendants.

*

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**MOTION FOR SUMMARY JUDGMENT
AND MEMORANDUM IN SUPPORT**

Plaintiff Glen K. Allen moves for summary judgment on his complaint against Brigitte de Nugent, and in support states as follows:

1. Brigitte de Nugent was served by Registered Mail in France on January 25, 2005. Such service is effective under the Haight Convention. Ackerman v. Levine, 788 F.2d 830, 839 (2d Cir. 1986). She has not answered the complaint.

2. Due to John de Nugent's placement in a psychiatric hospital in France and the uncertainty of his present whereabouts, Plaintiff has not been able to serve John de Nugent.

3. Plaintiff submits that John and Brigitte de Nugent are jointly and severally liable under the promissory note attached to the complaint.

4. As set forth in the Plaintiff's attached Affidavit, Brigitte de Nugent is in default under the promissory note in the amount of \$54,623 calculated as follows:

105,166 Euros	—	Amount loaned in April 2004
50,000 Euros	—	Returned in January 2005
<u>5,000 Euros</u>	—	Given Brigitte de Nugent
50,166 Euros		
<u>2,640 Euros</u>	—	Accrued Interest
52,806 Euros = \$64,318	—	(June 20, 2005 Euro/Dollar Exchange Rate; Euro = \$1.218)
Less <u>\$ 9,695</u>	—	Payment Received
\$54,623		

Plaintiff, therefore, moves for summary judgment in the amount of \$54,623.

Respectfully submitted,



Glen K. Allen (Federal Bar No. 06150)

DLA PIPER RUDNICK GRAY CARY US LLP
6225 Smith Avenue
Baltimore, Maryland 21209-3600
(410) 580-3000

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of June, 2005, a copy of the foregoing Motion for Summary Judgment and Memorandum in Support was mailed first class, postage prepaid, to:

Brigitte de Nugent
Chez Christian Crye
5, rue Marius Renaud
13100 Aix-en-Provence
France

A handwritten signature in black ink, appearing to read "Glen K. Allen", written over a horizontal line.

Glen K. Allen